

DOCKET NOT FOR ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

CALEA Section 107(c) Petitions)
Receiving Preliminary Extensions)
From the Common Carrier Bureau)

CC Docket No. 97-213)
NSD-L-00-234)

TO: Common Carrier Bureau

**REPLY COMMENTS
AND REQUEST FOR CORRECTION OF APPENDIX**

Skyline Telecom ("Skyline") hereby submits its Reply Comments in response to the Public Notice (CALEA Section 107(c) Extension Petitions Receiving Preliminary Extensions From The Common Carrier Bureau), DA 00-2582, released November 20, 2000 ("Public Notice").

While searching to determine whether any party had filed comments opposing its request for a Section 107(c) extension, Skyline found that its name had been omitted from the Appendix (Carriers Receiving Preliminary Extensions until March 31, 2001 to Comply with CALEA Section 103 Requirements) to the Public Notice.

On May 24, 2000, Skyline participated with fourteen other telephone companies using Nortel DMS-10 switches in the filing with the Commission of a Category B Joint Petition For Extension of the capability requirements of Section 103 of the Communications Assistance for Law Enforcement Act ("CALEA"). A copy of the text of this petition, showing that it was stamped "RECEIVED" by the Office of the Secretary on May 24, 2000, is attached. Also attached is a copy of the letter from the FBI's

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CALEA Implementation Section to Skyline, acknowledging receipt of its Flexible Deployment Assistance Program template.

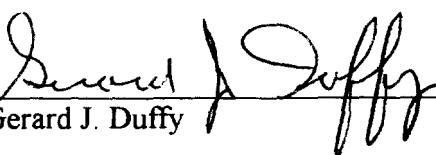
Page 26 of the Appendix to the Public Notice contains a reference to “Skyline Telephone Membership Corporation” having TRS Number 802392. Reference to the Commission’s January, 2000 Carrier Locator Interstate Service Providers report indicates that the listed carrier appears to be an unrelated carrier located in West Jefferson, North Carolina. The subject Skyline that participated in the attached May 24, 2000 Joint Petition is located in Fairview, Utah, and has been assigned TRS Number 805422.

Skyline has participated in the FBI’s Flexible Deployment Assistance Program, and has received and submitted the FBI letter acknowledging its participation. It has also participated in the filing of a timely Section 107(c) petition with the Bureau, and has submitted all of the information requested by the Commission. The other fourteen local exchange carriers participating in the same Joint Petition are listed in the Appendix. Therefore, it appears that the omission of Skyline from the Appendix was an inadvertent clerical error.

Skyline notes the possibility that the Bureau and/or the FBI have determined that it does not need a Section 107(c) extension because it operates its exchange as a remote off the host switch of Central Utah Telephone, Inc. (“Central Utah”), its parent company (and another participant in the same May 24, 2000 Joint Petition). If this is the case, Skyline requests clarification in writing from the Bureau, so that it and interested law enforcement agencies can properly monitor Commission action on the Central Utah extension request.

Skyline requests that the Appendix be corrected or supplemented to include its name. It also requests that the Bureau take the steps necessary to allow law enforcement officials to verify that Skyline has requested a Section 107(c) extension. Finally, Skyline requests that the Bureau include it in the final determinations that it will issue at a future date with respect to requests for full extensions beyond the preliminary March 31, 2001 date.

Respectfully submitted,
Skyline Telecom

By 
Gerard J. Duffy

Its Attorney

Blooston, Mordkofsky, Dickens,
Duffy & Prendergast
2120 L Street, NW, Suite 300
Washington, DC 20037
(202) 659-0830

Dated: January 4, 2001

RECEIPT

**Before the
Federal Communications Commission
Washington, D.C.**

In the Matter of:)
The Communications Assistance)
For Law Enforcement Act (CALEA),)
Section 107(c) Extensions of Capability Requirements)
Regarding Nortel DMS-10 Switches)
)
Bergen Telephone Company (TRS No. 803247))
Bear Lake Communications, Inc. (TRS No. 805423))
Bruce Telephone Company (TRS No. 801792))
Central Scott Telephone Co. (TRS No. 806640))
Central Utah Telephone, Inc. (TRS No. 805425))
Johnson Telephone Company (TRS No. 807108))
Madison Telephone Company (TRS No. 808020))
Manawa Telephone Company, Inc. (TRS No. 801738))
Northeast Missouri Rural Telephone Company (TRS No. 801405))
Pineland Telephone Cooperative, Inc. (TRS No. 808326))
Public Service Telephone Co. (TRS No. 808335))
Redwood County Telephone Company (TRS No. 807708))
Skyline Telecom (TRS No. 805422))
Vernon Telephone Cooperative, Inc. (TRS No. 808446))
Webster-Calhoun Cooperative Telephone Assn. (TRS No. 802350))

RECEIVED
MAY 24 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Common Carrier Bureau

JOINT PETITION FOR EXTENSION

1. Bergen Telephone Company ("Bergen"), Bear Lake Communications, Inc. ("Bear Lake"), Bruce Telephone Company ("Bruce"), Central Scott Telephone Co. ("Central Scott"), Central Utah Telephone, Inc. ("Central Utah"), Johnson Telephone Company ("Johnson"), Madison Telephone Company ("Madison"), Manawa Telephone Company, Inc. ("Manawa"), Northeast Missouri Rural Telephone Company ("Northeast"), Pineland Telephone Cooperative, Inc. ("Pineland"), Public Service Telephone Co. ("Public Service"), Redwood County Telephone Company ("Redwood"), Skyline Telecom ("Skyline"), Vernon Telephone Cooperative, Inc.

("Vernon") and Webster-Calhoun Cooperative Telephone Association ("Webster") (hereinafter collectively "Petitioners") hereby request extensions until June 30, 2002, of the CALEA Section 103 capability requirements, 47 U.S.C. §1002, pursuant to CALEA Section 107(c), 47 U.S.C. §1006(c).

2. Nortel DMS-10 switches used by Bruce, Pineland, Public Service, Vernon, Webster and others were installed and deployed before January 1, 1995. The Federal Bureau of Investigation ("FBI") has not yet completed its rulemaking defining the term "replaced or significantly upgraded or otherwise undergoes major modification" in CALEA Section 109(d), 47 U.S.C. §1008(d), Implementation of Section 109 of the Communications Assistance for Law Enforcement Act, 61 Fed. Reg. 58799 (Nov. 19, 1996). Until this term is defined, it is not clear whether the pre-1/1/95 switches of Bruce, Pineland, Public Service, Vernon, Webster and others are subject to any CALEA capability compliance obligations unless and until the Attorney General agrees to pay for all reasonable costs directly associated with modifications under CALEA Sections 109(a) and (d). None of the Petitioners has had any electronic surveillance requests from law enforcement regarding felony criminal investigations (although at least Manawa has installed traps and traces in connection with nuisance calls in cooperation with customers and local police officials) for more than four years. All Petitioners are rural telephone companies that cannot reasonably afford to devote substantial resources of their own to CALEA-related switch upgrades at this time. Moreover, the equipment and software necessary to bring the Nortel DMS-10 switches of the Petitioners into compliance with the CALEA capability requirements cannot be acquired and received by Petitioners from their vendors (much less be installed and tested in a prudent and satisfactory manner) in sufficient time to be operational by June 30, 2000. To the best of the information and belief of Petitioners, the requisite equipment

and software will not be available until at least November, 2000. Even then, the FBI and Nortel are not likely to give high priority to the delivery, installation and testing of CALEA-related software and associated equipment in low-crime, rural areas like those served by Petitioners. Hence, compliance with the Section 103 capability requirements is not reasonably achievable through the application of technology available within the existing compliance period.

3. Petitioners request extensions for the equipment, facilities and services listed in Attachment A (marked "Confidential – Not for Public Disclosure"), as stated therein.

4. Petitioners are filing a Category B petition, and are attaching (Attachment B) the following information to support their petition for an extension under CALEA Section 107(c): letters to each Petitioner from the FBI's Flexible Deployment Program that contain confirmations from the FBI that the petitioning carrier filed information with the FBI's Flexible Deployment Program.

5. Undersigned counsel and the following employees or officers of Petitioners are authorized to discuss CALEA-related matters with the Commission:

Bergen

Deanna Miller
105 Plain Street
Sharon, WI 53585
PH (414) 736-9981
FX (414) 736-9200
EM Not available

Central Scott

Butch Rebman
125 North 2nd Street
Eldridge, IA 52748
PH (319) 285-9611
FX (319) 285-9648
EM butch@netins.net

Bear Lake, Central Utah & Skyline:

Eddie L. Cox
45 West Center
Fairview, UT 84629
PH (435) 427-2221
FX (435) 472-3200
EM cutel@cut.net

Johnson:

Dwayne Johnson
First and Cedar
Remer, MN 56672
PH (218) 566-2302
FX (218) 566-2166
EM jtc@means.net

Madison:

Michael Guffy
118 East State Street
Hamel, IL 62046
PH: (618) 633-2267
FX: (618) 633-2713
EM: mguffy@madisontelco.com

Northeast:

Ray Ford
718 South West Street
Green City, MO 63545
PH: (660) 874-4111
FX: (660) 874-4100
EM: rford@nemr.com

Public Service:

Ed Guinn
104 Winston Street
Reynolds, GA 31076
PH: (912) 847-4111
FX: (912) 847-4106
EM: eguinn@pstel.com

Vernon:

Rodney D. Olson
103 North Main Street
Westby, WI 54667
PH: (608) 634-3136
FX: (608) 634-2000
EM: vtc@mwt.net

Bruce:

David J. Manosky, Jr.
620 North Alvey Street
Bruce, WI 54819
PH: (715) 868-5111
FX: (715) 868-3299
EM: brutel@win.bright.net

Manawa:

Tom Squires
131 2nd Street
Manawa, WI 54949
PH: (920) 596-2535
FX: (920) 596-3775
EM: manawa@netnet.net

Pineland:

Ben Bennett
P.O. Box 678
Metter, GA 30439
PH: (912) 685-2121
FX: (912) 685-3539
EM: pineland@pineland.net

Redwood:

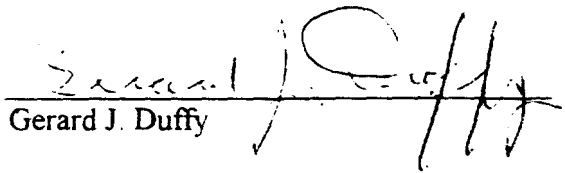
Joe Beren
120 East Third Street
Redwood Falls, MN 56284
PH: (507) 641-8000
FX: (507) 641-8002
EM: Not available

Webster:

Daryl Carlson
1004 Market Street
Gowrie, IA 50543
PH: (515) 352-3151
FX: (515) 352-3025
EM: darylc@wccta.com

WHEREFORE, the above premises and information considered, it is respectfully requested that the requested extension be granted.

Respectfully submitted,
Bergen Telephone Company
Bear Lake Communications, Inc.
Bruce Telephone Company
Central Scott Telephone Co.
Central Utah Telephone, Inc.
Johnson Telephone Company
Madison Telephone Company
Manawa Telephone Company, Inc.
Northeast Missouri Rural Telephone Company
Pineland Telephone Cooperative, Inc.
Public Service Telephone Co.
Redwood County Telephone Company
Skyline Telecom
Vernon Telephone Cooperative, Inc.
Webster-Calhoun Cooperative Telephone Assn.

By 
Gerard J. Duffy

Their Attorney

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May 23, 2000



U.S. Department of Justice

Federal Bureau of Investigation

*CALEA Implementation Section
14800 Conference Center Drive, Suite 300
Chantilly, VA 20151*

April 5, 2000

Eddie L. Cox
Skyline Telecom
45 West Center, P.O. Box 7
Fairview, UT 84629

FCCTRS # 805422
ID #574

Dear Carrier:

The purpose of this letter is to acknowledge that the CALEA Implementation Section (CIS) received the materials you submitted in response to the Flexible Deployment Assistance Guide on March 31, 2000. Your materials are currently under review. CIS will contact you if we have any questions or concerns regarding your submission as it is being reviewed. CIS will also provide you with a written decision regarding your proposed deployment schedule.

Thank you for your submission. We look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Rozanne R. Worrell".

Rozanne R. Worrell
Supervisory Special Agent
Flexible Deployment

cc: Gerard J. Duffy
Blooston, Mordkofsky, Jackson & Dickens